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THE ALL ENGLAND LAW REPORTS

Tables and Index 1989

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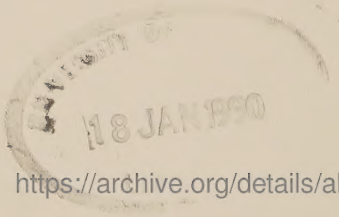

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THE ALL ENGLAND LAW REPORTS

Tables and Index 1989

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Introduction

The Tables and Index 1989 covers all the cases reported in the three volumes of the All England Law Reports for 1989.

The tables and index consists of five sections:

- a table of cases reported and judicially considered; this table lists alphabetically all cases reported in the All England Law Reports in 1989, and in addition it lists all cases of any date which have been reported in the All England Law Reports and the All England Law Reports Reprint and which were judicially considered, ie applied, distinguished, overruled and so on, in cases reported during 1989
- a table of practice directions and notes issued in 1989
- a table of statutes etc judicially considered in 1989
- a table of words and phrases judicially considered in 1989
- a subject index, including a full system of cross-references, of all cases reported in 1989.

The Tables and Index 1989, when used in conjunction with the three volumes of the Consolidated Tables and Index 1936–1986 and the Cumulative Tables and Index 1987–1988, provides a complete index of cases reported in the All England Law Reports from 1936 to the end of 1989, and is issued pending publication early in 1990 of a new Consolidated Tables and Index 1936–1989 which will incorporate in three volumes a complete index to the All England Law Reports from 1936–1989.

The index is separate from the 1989 volumes of the All England Law Reports and should therefore *not* be sent in for binding with the loose parts of the reports.

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Dictum applied, Singh v Observer Ltd [1989] **2** 751
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  Distinguished, Dubai Bank Ltd v Galadari [1989] **3** 769

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Reversed in part [1989] **3** 14, CA
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Followed, Rover International Ltd v Cannon Film Sales Ltd (No 3) [1989] **3** 423
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Reversed in part [1954] **1** 546, HL
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Affirmed on other grounds [1988] **2** 803, HL
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Considered, Ipswich BC v Fisons plc [1989] **2** 737
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Affirmed [1989] **3** 336, CA
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Affirmed [1989] **2** 907, CA
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Applied, R v Martin [1989] **1** 652
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Considered, R v Secretary of State for the Home Dept, ex p Al-Mehdawi [1989] **1** 777
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Affirmed [1989] **1** 90, CA
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R v Miller [1952] **2** 667, Assizes
Dictum adopted, Lui Mei-lin v R [1989] **1** 359
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R v Morris [1983] **2** 448, CA
Affirmed [1983] **3** 288, HL
Considered, Dobson v General Accident Fire and Life Assurance Corp Ltd [1989] **3** 927
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Distinguished, R v Follett [1989] **1** 995
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Breach of duty—Relief by court—Company in insolvent liquidation—Wrongful trading—Director knowing or ought to have concluded that no reasonable prospect of avoiding insolvent liquidation—Liquidator claiming contribution towards assets of company from directors—Directors' defence that they acted honestly and reasonably and ought to be relieved from liability—Whether defence permissible in proceedings brought by liquidator for contribution following wrongful trading—Companies Act 1985, s 727(1)—Insolvency Act 1986, s 214. **Re Produce Marketing Consortium Ltd** [1989] **3** 1, ChD.

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Person who obtains insider information—Obtain—Whether 'obtains' restricted to acquiring by purpose and effort—Whether person who receives unsolicited inside information prohibited from dealing in company's securities—Company Securities (Insider Dealing) Act 1985, s 1(3)(4)(*a*). **A-G's Reference (No 1 of 1988)** [1989] **2** 1, HL.

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Investment business—Investigation of past business transactions—Whether powers of investigation retrospective—Whether business transactions carried out prior to enactment of statutory powers of investigation constituting 'investment business'—Financial Services Act 1986, s 105. **R v Secretary of State for Trade and Industry, ex p R** [1989] **1** 647, QBD.

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Document created by receiver during receivership—Termination of receivership—Mortgagor companies seeking delivery up of documents relating to companies' affairs created for or on behalf of receivers—Mortgagor companies asserting ownership of documents—Whether fact that documents were created for or on behalf of receivers sufficient to confer ownership of the documents on the companies. **Gomba Holdings UK Ltd v Minories Finance Ltd** [1989] **1** 261, CA.

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Information relating to security service—
Public interest in preventing disclosure—Book written by former member of security services—Book not containing material prejudicial to public interest—Limited publication of book—Newspaper publishing article about book—Crown seeking interim interdict to prevent further publication of contents of book—Whether in public interest that further publication of contents of book should be restrained. **Lord Advocate v Scotsman Publications Ltd** [1989] **2** 852, HL.
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Form and content of agreement—
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Recovery of amount outstanding—
Judgment—Amount for which judgment should be given—Allowance for rebate on early settlement—Whether judgment should be given for full outstanding amount—Whether rebate entitlement should be deducted from judgment debt only at date of discharge—Consumer Credit Act 1974, ss 94(1), 95(1), Consumer Credit (Rebate on Early Settlement) Regulations 1983, regs 4, 6(1). **Forward Trust Ltd v Whymark** [1989] **3** 915, CA.

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Damages—Award of damages on hearing of motion to commit—Breach of undertaking involving breach of contract between plaintiff and defendant—Whether court having jurisdiction to award damages on hearing of motion by plaintiff to commit defendant—Whether plaintiff having to bring separate action for damages. **Midland Marts Ltd v Hobday** [1989] **3** 246, ChD.

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Autrefois acquit—

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Criminal offence—Documents disclosed on execution of Anton Piller order—Application for leave to use documents obtained under Anton Piller order in contempt proceedings—Whether proceedings for contempt of court proceedings for a 'criminal offence'—Whether privilege against self-incrimination available as defence in contempt proceedings—Whether documents obtained under Anton Piller order can be used in contempt proceedings—Civil Evidence Act 1968, s 14(1)(*a*). **Garvin v Domus Publishing Ltd** [1989] **2** 344, ChD.

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Attempt to influence House of Lords—

Respondent seeking judicial review of Secretary of State's decision not to publish inspectors' report on rival takeover—Respondent successful in Divisional Court—Divisional Court's decision reversed by Court of Appeal—Respondent appealing to House of Lords—Before appeal heard newspaper owned by respondent publishing inspectors' report—Respondent sending copies of newspaper to law lords listed to hear appeal in judicial review proceedings—Whether respondent acting in contempt of House of Lords—Contempt of Court Act 1981, s 2(2). **Re Lonrho plc** [1989] **2** 1100, HL.

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Wilfully—Use of loudhailer in demonstration outside court preventing witnesses in court being heard—Whether magistrate having power to deal with offender—Contempt of Court Act 1981, s 12(1). **Bodden v Comr of Police of the Metropolis** [1989] **3** 833, CA.

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Court—

Inferior court—Mental health review tribunal—Plaintiffs bringing proceedings for contempt—Whether mental health review tribunal a 'court'—Contempt of Court Act 1981, s 19. **A-G v Associated Newspapers Group plc** [1989] **1** 604, QBD.

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Jurisdiction—Company assets—Whether county court having jurisdiction to order sequestration of company's assets if company in contempt—County Courts Act 1984, s 38. **Rose v Laskington Ltd** [1989] **3** 306, QBD.

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Mother taking wards to Republic of Ireland without court's consent—Father wishing to take proceedings in Irish courts to obtain return of children—Whether court having jurisdiction to issue writ of sequestration against mother's assets within jurisdiction—Whether court can empower sequestrators to use mother's assets to raise money to fund proposed Irish proceedings. **Richardson v Richardson** [1989] **3** 779, FamD.

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Failure of consideration. *See* Failure of consideration, *post*.

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Carriage by sea. *See* **Shipping** (Carriage by sea—Damages for breach of contract).

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Economic duress—

Commercial pressure—Contract to carry goods at agreed consideration—Carriers subsequently seeking to increase charges—Carriers refusing to carry goods unless distributors agreeing to pay increased charges—Distributors agreeing to pay increased charges in order to meet commitments to customers—Whether agreement to pay increased charges valid. **Atlas Express Ltd v Kafco (Importers and Distributors) Ltd** [1989] **1** 641, QBD.

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Money paid under contract void ab initio—Payer receiving benefits under contract—Whether payer entitled to recover money paid on grounds of total failure of consideration—Whether payer prevented from enjoying any part of benefit bargained for because contract void. **Rover International Ltd v Cannon Film Sales Ltd (No 3)** [1989] **3** 423, CA.
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Inference of intention from circumstances—
Letter of comfort—Plaintiffs making loan to defendants' subsidiary—Defendants furnishing letters of comfort to plaintiffs as part of loan agreement—Loan expressing defendants' policy to ensure that subsidiary's business at all times in a position to meet its liability to plaintiffs—Subsidiary going into liquidation—Plaintiffs suing defendants for subsidiary's debt—Whether letters of comfort having contractual effect. **Kleinwort Benson Ltd v Malaysia Mining Corp Bhd** [1989] **1** 785, CA.
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Exclusion of liability for negligence—
Surveyor—Surveyor making report to building society or local authority for mortgage application—Survey carried out negligently—Application form and report containing disclaimer of responsibility—Factors to be considered when considering reasonableness—Whether disclaimer reasonable—Unfair Contract Terms Act 1977, s 2(2). **Smith v Eric S Bush (a firm), Harris v Wyre Forest DC** [1989] **2** 514, HL.
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CONTRIBUTORY NEGLIGENCE
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Television show—Talent contest—Scripts claimed for standard introduction of competitors and same catch phrases used throughout show—No written text of shows put in evidence—Whether standard introductions and catch phrases amounting to 'scripts'—Whether use of standard introductions and catch phrases amounting to 'dramatic format'. **Green v Broadcasting Corp of New Zealand** [1989] **2** 1056, PC.

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Circumstances in which coroner should sit with jury—Circumstances the continuance or possible recurrence of which would be prejudicial to the health or safety of the public—Deceased serving sentence of imprisonment at police station—Deceased suffering inflammation of heart and admitted to hospital—Deceased dying in hospital—Whether deceased dying in circumstances which would be prejudicial to health or safety of public if they continued or recurred—Coroners Act 1988, s 8(3)(*d*). **R v Inner London North District Coroner, ex p Linnane** [1989] **2** 254, QBD.

CORONER (cont)
Inquest (cont)—
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Verdict—
Solvent abuse—Death occurring as result of casual glue sniffing—Whether death by drug abuse appropriate verdict. **R v Inner South London Coroner, ex p Kendall** [1989] **1** 72, QBD.
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Jurisdiction—
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Application by fugitive for orders of certiorari and prohibition to quash extradition proceedings—Appeals against Bahamian Supreme Court decisions to Court of Appeal—Proceedings intituled throughout on civil side—Whether proceedings constituting criminal cause or matter—Whether Bahamian Court of Appeal having jurisdiction to award costs to successful party—Constitution of the Bahamas, arts 28, 104—Court of Appeal Act (Bahamas), ss 17(1), 23. **US Government v Bowe** [1989] **3** 315, PC.
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Order against person maintaining action—Plaintiff's action for libel supported financially by anonymous person—Plaintiff's solicitor agreeing not to reveal identity of maintainer of action—Defendant newspaper applying for judgment with costs on indemnity basis—Whether court having jurisdiction to order costs against party maintaining action—Whether costs order restricted to order made against party to proceedings—Whether person maintaining plaintiff's action liable for defendant's costs—Whether plaintiff's solicitor could be ordered to disclose identity of maintainer—Criminal Law Act 1967, s 14—Supreme Court Act 1981, s 51. **Singh v Observer Ltd** [1989] **2** 751, QBD.
Review of taxation. *See* Taxation—Review of taxation, *post*.
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Liability for costs—
Payment of costs by solicitor personally. *See* **Solicitor** (Payment of costs by solicitor personally).
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Adjournment of appointment for taxation—
Application for adjournment—Automatic adjournments not to be permitted—Notice to other parties—RSC Ord 62, r 30(1) **Practice Direction** [1989] **2** 480, SC Taxing Office.
House of Lords. *See* **House of Lords** (Costs—Taxation).
Legal aid. *See* **Legal aid** (Taxation of costs).
Review of taxation—
Criminal proceedings—Review of decision of taxing authority—Procedure—Notice of appeal—Documents to be forwarded with notice of appeal—Appeals to High Court—Originating summons—Form of notice of appeal—Legal Aid in Criminal Proceedings (General) Regulations 1968, reg 14D—Legal Aid in Criminal Proceedings (Costs) Regulations 1982—Costs in Criminal Cases (General) Regulations 1986—Legal Aid in Criminal Proceedings (Costs) Regulations 1988—Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989—Legal Aid in Criminal and Care Proceedings (General) Regulations 1989, reg 54. **Practice Direction** [1989] **2** 645, SC Taxing Office.

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Criminal proceedings—
Counsel's conduct of client's case. *See* **Criminal law** (Trial—Counsel's conduct of client's case).
Fees—
Note of judgment—
Brief fee including remuneration for taking note of judgment, having it transcribed, submitting it to judge for approval and revising it if required, and providing copies to Court of Appeal, solicitors and client. **Practice Note** [1989] **2** 288, CA.
Negligence—
Immunity—
Conduct of criminal or civil proceedings—Advice as to plea in criminal proceedings—Barrister's immunity. **Somasundaram v M Julius Melchior & Co (a firm)** [1989] **1** 129, CA.
Conduct of criminal or civil proceedings—Impugning decision of court of competent jurisdiction—Whether action against barrister or solicitor in respect of conduct of criminal or civil proceedings an abuse of process if it involves attack on decision of court of competent jurisdiction. **Somasundaram v M Julius Melchior & Co (a firm)** [1989] **1** 129, CA.
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Criminal cases. *See* **Legal aid** (Criminal cases—Representation by counsel).

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Whether defendant entitled to summary judgment against co-defendant. *See* **Practice** (Summary judgment—Counterclaim against co-defendant).

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Appeal from county court to Court of Appeal—Jurisdiction of Court of Appeal. *See* **Court of Appeal** (Jurisdiction—Appeal from county court—Matrimonial proceedings).
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Contempt of court—
Sequestration. *See* **Contempt of court** (Sequestration—County court—Jurisdiction).
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Transfer from High Court—
Transfer from Queen's Bench Division—Cases suitable for transfer—Jury cases—Actions for malicious prosecution, false imprisonment and assault—Cases in which modest damages likely to be awarded—Cases not involving difficult questions of law or fact—Opportunity to be heard on question of transfer—Scale of costs—RSC Ord 107, r 2(1). **Practice Note** [1989] **2** 128, QBD.

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Appeal from county court—Whether appellant entitled to argue new point of law on appeal—County Courts Act 1984, s 77(1). **Pittalis v Grant** [1989] **2** 622, CA.
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Party having original document with him in court or able to have it in court without difficulty—Inference to be drawn by court if party refusing to produce original—Exception in extradition cases—Fugitive Offenders Act 1967, s 11(1)(*b*). **R v Governor of Pentonville Prison, ex p Osman** [1989] **3** 701, QBD.

CRIMINAL EVIDENCE (cont)

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Evidence of nature and scope of conspiracy—Whether evidence of one conspirator receivable against fellow conspirator without independent evidence that latter was party to conspiracy. **R v Governor of Pentonville Prison, ex p Osman** [1989] **3** 701, QBD.

Cross-examination—

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Computer print-out—

Admissibility—Evidence of accuracy and functioning of computer—Admissibility of documentary records where person who supplied information unable to give oral evidence—Whether prosecution required to produce evidence of accuracy and functioning of computer to establish admissibility of documentary record—Police and Criminal Evidence Act 1984, ss 68, 69, Sch 3, Pt II. **R v Minors, R v Harper** [1989] **2** 208, CA.

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Costs—

Award out of central funds. *See* **Criminal law** (Costs—Power to award costs—Award out of central funds).

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Confidentiality of sources—Police observation posts in private premises—Protection of occupiers of premises used as police observation posts—Guidance on requirements for excluding evidence which would reveal address and identity of occupiers of private premises used as police observation posts. **R v Johnson** [1989] **1** 121, CA.

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Computer print-out—

Admissibility in evidence—Need to show computer was operating properly—Lengthy computer print-out—No internal evidence of malfunction—Whether legitimate to infer that computer was functioning correctly—Police and Criminal Evidence Act 1984, s 69(1). **R v Governor of Pentonville Prison, ex p Osman** [1989] **3** 701, QBD.

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Access to special procedure material—

Application—Notice of application—Police notifying bank of application for production of client's account—Whether bank under obligation to support confidentiality of client's affairs by resisting making of order for production or informing client of application—Whether bank free to disregard request by police not to inform client of application—Whether claim by client against bank for damages for breaching confidentiality of client's affairs should be struck out—Police and Criminal Evidence Act 1984, s 9(1), Sch 1. **Barclays Bank plc v Taylor, Trustee Savings Bank of Wales and Border Counties v Taylor** [1989] **3** 563, CA.

Application—Notice of application—Whether notice of application can be given to respondent by letter—Whether notice must specify material which is subject of application—Whether material which is subject of application may be specified orally to respondent—Police and Criminal Evidence Act 1984, s 9. **Barclays Bank plc v Taylor, Trustee Savings Bank of Wales and Border Counties v Taylor** [1989] **3** 563, CA.

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Tape recording of police interviews—

Preparation for proceedings in Crown Court—Notice of amendment or editing of record of interview or transcript—Objection to amendment or editing—Production and proof of tape by interviewing officer—Arrangements for operating tape machine—Costs where procedure not complied with—Police and Criminal Evidence Act 1984, s 60—Criminal Justice Act 1987, s 4(1)(c)—Code of Practice on Tape Recording, para 5.4, note 5B. **Practice Note** [1989] **2** 415, QBD.

CRIMINAL LAW

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CRIMINAL LAW (cont)
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With a view to gain—Falsification of bills of exchange with a view to securing bank's forbearance to sue under earlier bills—Whether falsification constituting falsification 'with a view to gain'—Theft Act 1968, ss 4(1), 17, 34(2)(*a*). **R v Golechha** [1989] **3** 908, CA.
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CRIMINAL LAW (cont)

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Owner consenting to property being taken—Adverse interference with or usurpation of owner's rights—Whether appropriation if owner consents to property being taken—Whether adverse interference with or usurpation of owner's rights necessary ingredient of appropriation—Theft Act 1968, s 1(1). **Dobson v General Accident Fire and Life Assurance Corp plc** [1989] **3** 927, CA.

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Counsel for the accused making wrong decision in conduct of case—Counsel ignoring client's wishes as to how case should be conducted—Counsel refusing to apply for severence of counts despite accused's wish that they be severed—Whether counsel's conduct constituting material irregularity in conduct of trial. **R v Ensor** [1989] **2** 586, CA.

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Refusal to issue passport to person for whom warrant of arrest issued—Secretary of State refusing to issue passport overseas to applicant for whom warrant of arrest outstanding in United Kingdom—Applicant informed of reason without being given details of warrant or opportunity to challenge accuracy of details or present exceptional circumstances which might justify issue of passport—Whether decision to issue or refuse passport involving exercise of prerogative power—Whether court having jurisdiction to review decision—Whether Secretary of State's decision fair. **R v Secretary of State for Foreign and Commonwealth Affairs, ex p Everett** [1989] **1** 655, CA.

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Scottish health board—Relief against Crown—Interdict proceedings against Scottish health board—Whether action against health board a proceeding against Crown—Whether health board entitled to immunity from suit—Crown Proceedings Act 1947, ss 17(3), 21—National Health Service (Scotland) Act 1978, s 2. **British Medical Association v Greater Glasgow Health Board** [1989] **1** 984, HL.

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CROWN (cont)
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Magistrates—
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Discovery of documents referred to in affidavit—Notice requiring applicant to deliver documents relevant to his liability to tax—Affidavit sworn on behalf of Revenue referring to report from inspector leading to issue of notice—Whether applicant entitled to discovery of documents referred to in affidavit—Taxes Management Act 1970, s 20(2)—RSC Ord 24, rr 10(1), 13(1), 17. **R v IRC, ex p Taylor** [1989] **1** 906, CA.
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Written request for legal advice—Investigation of taxpayer's affairs—Inspector issuing notice for delivery up of documents—Inspector anticipating that notice likely to be challenged in proceedings—Inspector seeking advice from Revenue solicitor before issuing notice—Whether request for advice privileged. **R v IRC, ex p Taylor** [1989] **1** 906, CA.
Privilege—
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Documents obtained for purposes of legal proceedings—Arbitration proceedings—Documents obtained for purposes of arbitration proceedings between defendant and third party—Plaintiff bringing action against defendant—Plaintiff applying for disclosure of arbitration documents in defendant's possession—Whether arbitration documents privileged from disclosure in subsequent public litigation between different parties. **Shearson Lehman Hutton Inc v Maclaine Watson & Co Ltd** [1989] **1** 1056, QBD.
Production contrary to public interest—
Class of documents—Police report submitted to Director of Public Prosecutions in course of criminal investigation—Plaintiff bringing action for wrongful arrest and false imprisonment—Attorney General certifying that disclosure of report contrary to public interest—Whether chief constable entitled to withhold report on ground of public interest. **Evans v Chief Constable of Surrey Constabulary (A-G intervening)** [1989] **2** 594, QBD.
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Similar cases—

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Application—

Financial relief in England and Wales after overseas divorce—Application subsequent to foreign decree and financial orders—Application in England for leave to apply for financial relief—Leave not to be granted unless substantial ground for making application—Application to be dismissed if not appropriate for order to be made by court in England and Wales—Foreign court granting decree and making orders for financial provision—English court refusing leave to make application for financial relief in England—Whether leave properly refused—Matrimonial and Family Proceedings Act 1984, ss 13, 16. **Holmes v Holmes** [1989] **3** 786, CA.

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Maintenance—Matters to be considered by court when making order—Financial resources—Interest under discretionary will trust—Father ordered to pay maintenance for children of marriage following divorce—Mother subsequently dying and leaving estate to children—Discretionary will trust established for benefit of children—Whether children's interest under discretionary will trust a 'financial resource'—Whether children's interest under will trust to be taken into account in determining amount of maintenance payable by father—Matrimonial Causes Act 1973, s 25(3)(*b*). **J v J (C intervening)** [1989] **1** 1121, CA.

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Deferment of payment—Deferment of payment of capital sum for lengthy period—Husband's conduct causing breakdown of marriage—Husband's only asset was matrimonial home—Husband living in matrimonial home with three children of marriage—Whether appropriate to award substantial capital sum to wife while postponing payment for six years until youngest child attaining 16 years—Divorce (Scotland) Act 1976, s 5. **Archibald v Archibald** [1989] **1** 257, HL.

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Privileged and confidential document—

Copy coming into possession of party to litigation—Loss of privilege—Inadvertent disclosure of document—Claim for protection of confidentiality—Court's discretion—Whether circumstances in which document came into party's possession relevant in determining claim for protection of confidentiality. **Webster v James Chapman & Co (a firm)** [1989] **3** 939, ChD.

Copy—

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Driving while unfit. *See* **Road traffic** (Driving while unfit through drink or drugs).

Unfitness to drive—

In charge of vehicle. *See* **Road traffic** (Being in charge of vehicle when unfit to drive through drink or drugs).

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Driving while unfit through drink or drugs. *See* **Road traffic** (Driving while unfit through drink or drugs).

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Conspiracy to import dangerous drug into United States via Bahamas—

Whether offence for which fugitive extraditable from Bahamas. *See* **Extradition** (Extradition crime—Bahamas—Conspiracy to import dangerous drug into United States via Bahamas).

Driving while unfit through drugs. *See* **Road traffic** (Driving while unfit through drink or drugs).

Drug abuse—

Death occurring as a result of casual glue sniffing—

Whether death by drug abuse appropriate verdict. *See* **Coroner** (Inquest—Verdict—Solvent abuse—Death occurring as result of casual glue sniffing).

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Confiscation order—

Proceeds of drug trafficking—Any payments or other rewards received in connection with drug trafficking—Whether 'proceeds' of drug trafficking referring to net or gross proceeds—Whether confiscation order can be made in respect of aggregate of all payments received from drug trafficking—Whether severity of confiscation order can be mitigated—Drug Trafficking Offences Act 1986, ss 2(1), 4(3). **R v Smith (Ian)** [1989] **2** 948, CA.

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Employee giving six months' notice terminating employment as financial director of employer's estate agency business—Employer requiring employee to cease working in its premises during last three months of notice on full pay and allowances provided he did not work for anyone else—Employee accepting employment with another company as financial controller of its chain of estate agency offices—Whether employer entitled to injunction restraining employee from working for rival company before expiration of notice. **Provident Financial Group plc v Hayward** [1989] **3** 298, CA.
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Negligence—

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Evidence to show that court has no jurisdiction—Issue estoppel preventing evidence from being put before court—Whether party can be prevented by issue estoppel from putting evidence to show that court has no jurisdiction. **Re State of Norway's Application (No 2)** [1989] **1** 701, CA.

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EXTRADITION (cont)
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Persons liable to be returned—
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Equivalent acts constituting offence under English law—Acts or omissions constituting offence for which return requested taking place partly in requesting country and partly in third country—Whether magistrate required to treat as taking place in England only acts or omissions taking place in requesting country and not those taking place in third country—Fugitive Offenders Act 1967, s 3(1)(*c*). **R v Governor of Pentonville Prison, ex p Osman** [1989] **3** 701, QBD.
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Demolition of disused equipment—
Escape of asbestos dust in course of demolition—Duty to provide approved respiratory protective equipment where asbestos dust from factory 'process' liable to escape—Duty to store asbestos waste in suitable sealed containers—Duty to keep internal surfaces clear of asbestos waste and dust—Demolition of driers over period of nine days—Whether demolition of driers amounting to 'process'—Whether occupier of factory required to provide approved respiratory protective equipment during demolition, store waste in sealed containers and keep internal surfaces clear of asbestos waste and dust—Factories Act 1961, ss 76, 155(2)—Asbestos Regulations 1969, regs 3, 5, 8(1), 9, 15. **Nurse v Morganite Crucible Ltd** [1989] **1** 113, HL.

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Reservation of shooting and sporting rights—
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Theft—Loss or damage from theft involving 'forcible and violent' means of entry to premises—'Violent' means of entry—Thieves stealing keys to premises and entering premises by normal use of keys to unlock doors—No physical damage caused to locks or doors—Whether entry by 'violent' means. **Dino Services Ltd v Prudential Assurance Co Ltd** [1989] **1** 422, CA.

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Chairman's casting vote—Manner of exercise of casting vote—Council resolution to increase council house rents—Resolution passed on mayor's casting vote—Duty of mayor when using casting vote—Whether mayor entitled to exercise casting vote in favour of his party's policy—Whether mayor required to exercise casting vote in favour of status quo—Whether council resolution valid—Local Government Act 1972, Sch 12, para 39(2). **R v Bradford Metropolitan City Council, ex p Corris** [1989] **3** 156, CA.

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Immigration adjudicator—Applicant deprived of hearing through negligence of his own solicitors—Adjudicator not at fault—Whether breach of rules of natural justice—Whether adjudicator's decision subject to judicial review. **Al-Mehdawi v Secretary of State for the Home Dept** [1989] **3** 843, HL.
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NAVIGATION
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Crash helmet—Failure to fasten securely—Defendant wholly to blame for accident—Plaintiff in part responsible for injuries—Plaintiff riding a moped—Plaintiff failing to secure strap of crash helmet—Helmet coming off before plaintiff's head striking road—Whether plaintiff contributorily negligent—Whether plaintiff's damages should be reduced—Law Reform (Contributory Negligence) Act 1945, s 1—Motor Cycles (Protective Helmets) Regulations 1980, reg 4. **Capps v Miller** [1989] **2** 333, CA.

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Landlord's duty of care by virtue of obligation to repair—

Enforcement of duty—A injuction requiring landlord to repair premises—Defective Premises Act 1972, s 4(1). **Barrett v Lounova (1982) Ltd** [1989] **1** 351, CA.

Duty to take care—

Builder—

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Club—

Members' club—Member injured by reason of condition of club premises—Whether club owing duty of care to members to maintain club premises in reasonable state of safety and repair. **Robertson v Ridley** [1989] **2** 474, CA.

Consultant engineer—

Consultant engineer retained by employer to supervise contract works—Contractor making claims for additional payments—Engineer rejecting claims—Contractor claiming engineer negligent in rejecting claims—Whether engineer owing duty of care to contractor. **Pacific Associates Inc v Baxter** [1989] **2** 159, CA.

Economic loss—

Building—Defect in building—Cost of repair—Building unfit for intended use—No imminent threat of physical injury to occupants—Remedial works required to render building fit for intended use—Whether builder liable for cost of repair. **Dept of the Environment v Thomas Bates & Son Ltd (New Towns Commission, third party)** [1989] **1** 1075, CA.

Employer—Plaintiff employed by defendants and posted to Ethiopia—Plaintiff injured by uninsured driver in course of employment in Ethiopia—Whether defendants owing duty of care to plaintiff to insure him against third party negligence—Whether defendants owing duty of care to plaintiff to advise him to obtain insurance cover against third party's negligence—Whether implied term in contract of employment that defendants would insure plaintiff—Whether employer owing duty of care to protect employee from economic loss. **Reid v Rush & Tompkins Group plc** [1989] **3** 228, CA.

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Charity Commissioners—Action in negligence against commissioners—Commissioners giving opinion or advice that local charity comprising educational trust had failed—Local inhabitants claiming that commissioners' opinion and advice erroneous and that commissioners had failed to exercise due care and skill in giving opinion and advice—Whether commissioners owing duty of care to potential objects of charity—Whether action lying against commissioners in negligence. **Mills v Winchester Diocesan Board of Finance** [1989] **2** 317, ChD.

Insurer—

Duty owed by insurer to insured—Banks making loans to companies guaranteed by credit insurance policies arranged by broker—Broker's employee dishonestly issuing cover notes when part of cover missing—Banks lending large sums in reliance on cover notes—Insurers aware of broker's employee's deception—Whether insurers owing duty of care to disclose broker's employee's deception to banks. **Banque Financière de la Cité SA v Westgate Insurance Co Ltd** [1989] **2** 952, CA.

Duty owed by insurer to insured's assignee—Shipowners dishonestly jeopardising war risk insurance cover on mortgaged vessels—Insurer aware of shipowners' deception—Whether insurer owing duty of care to disclose shipowners' deception to mortgagee bank as assignee of insurance. **Bank of Nova Scotia v Hellenic Mutual War Risks Association (Bermuda) Ltd, The Good Luck** [1989] **3** 628, CA.

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Knowledge that third party might rely on information—
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Auditor—Preparation of company's accounts—Duty to shareholder—Duty to prospective investor—Plaintiffs owning shares in public company—Plaintiffs making successful take-over bid for company in reliance on audited accounts of company—Accounts showing profit instead of loss—Whether reasonably foreseeable that shareholders and potential investors might rely on auditor's report when dealing in company's shares—Whether sufficient proximity between auditor and shareholders or potential investors—Whether just and reasonable to impose duty of care on auditor—Whether auditor owing duty of care to shareholders or potential investors to carry out audit with reasonable care and skill. **Caparo Industries plc v Dickman** [1989] **1** 798, CA.
Insurer—
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School—
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Sport—Injury to pupil—Pupil injured during rugby match at school—Whether school under duty to insure pupils against injuries received while playing sport—Whether school under duty to advise parents to take out personal accident insurance. **Van Oppen v Clerk to the Bedford Charity Trustees** [1989] **3** 389, CA.
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Surveyor making report to building society for mortgage application—Survey and valuation carried out negligently—Surveyor not following trial of suspicion when suspicions aroused as to defect—Purchaser relying on report—Surveyor knowing that purchaser likely to rely on report—Whether surveyor owing purchaser duty to exercise reasonable skill and care in carrying out valuation—Whether surveyor under duty to follow trail of suspicion—Whether surveyor liable for negligence. **Roberts v J Hampson & Co (a firm)** [1989] **2** 504, QBD.
Surveyor making report to building society or local authority for mortgage application—Survey and valuation carried out negligently—Application form and report containing disclaimer of responsibility for condition of property—Purchaser relying on report—Surveyor knowing that purchaser likely to rely on report—Whether surveyor owing purchaser duty to exercise reasonable skill and care in carrying out valuation—Whether disclaimer reasonable—Whether disclaimer effective to exclude liability—Whether surveyor liable for negligence—Unfair Contract Terms Act 1977, s 2(2). **Smith v Eric S Bush (a firm), Harris v Wyre Forest DC** [1989] **2** 514, HL.
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Disciplinary proceedings—
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Special constable—Discrimination on grounds of race—Whether special constable holding office of constable—Whether special constable deemed to be in employment as constable—Whether special constable entitled to protection against unlawful discrimination in employment on racial grounds—Race Relations Act 1976, ss 4, 16. **Sheikh v Chief Constable of Greater Manchester Police** [1989] **2** 684, CA.
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Person in custody—Suicide risk—Police taking person with suicidal tendencies into custody—Police having knowledge of prisoner's suicidal tendencies—Prisoner remanded in custody and taken to remand centre—Police not informing prison authorities of prisoner's suicidal tendencies—Prisoner committing suicide at remand centre—Whether police under duty to pass on to remand centre all available information relevant to risk of suicide by prisoner—Whether police owing duty of care to prevent prisoner committing suicide—Whether police in breach of duty of care—Whether cause of action barred by maxim ex turpi causa non oritur actio or public policy because claim arising out of suicide. **Kirkham v Chief Constable of the Greater Manchester Police** [1989] **3** 882, QBD.
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Chancery Division—
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Chancery chambers—Official referees' business—Location. **Practice Direction** [1989] **1** 896, ChD.
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Bristol—New arrangements—Weekly sittings for motions and other urgent business—Urgent applications at other times—Commencement of proceedings—Authorised jurisdiction. **Practice Direction** [1989] **1** 831, ChD.
Cardiff—New arrangements—Weekly sittings for motions and other urgent business—Urgent applications at other times—Commencement of proceedings—Authorised jurisdiction. **Practice Direction**. [1989] **1** 832, ChD.
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Citation of cases—
Reports—
Revenue cases—Law Reports series or Reports of Tax Cases—Tax Cases may be used if counsel think it more convenient—References to Law Reports also to be given. **Bray (Inspector of Taxes) v Best** [1989] **1** 969, HL.
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Stay of action—Settlement agreed before hearing of action—Terms of settlement embodied in consent order staying action—Application by intervener for joinder after settlement concluded—Whether consent order staying action amounting to discontinuance of action—Whether action still in being when application made by intervener for joinder—RSC Ord 15, r 6(2). **ROFA Sport Management AG v DHL International (UK) Ltd** [1989] **2** 743, CA.
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Counterclaim against co-defendant—
Whether defendant entitled to summary judgment against co-defendant. *See* Summary judgment—Counterclaim against co-defendant, *post*.
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Inordinate delay without excuse—
Delay before and after issue of writ—Writ issued six months before expiration of six-year limitation period—Writ not served until three months after expiration of limitation period—Fair trial of action still possible despite delay—Defendants suffering no prejudice from post-writ delay—Whether plaintiff should be penalised for delay occurring between accrual of cause of action and date of issue of writ within limitation period—Whether post-writ delay sufficient ground for striking out action—Whether prejudice justifying striking out confined to prejudice affecting conduct of trial or extending to prejudice to defendant's business interests—Whether anxiety accompanying litigation sufficient ground of prejudice justifying striking out action. **Dept of Transport v Chris Smaller (Transport) Ltd** [1989] **1** 897, HL.
Prejudice to defendant—Admission of liability—Size of claim increased by delay—Whether financial prejudice due to delay sufficient to justify striking out. **Hayes v Bowman** [1989] **2** 293, CA.
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Locus standi—

Locus standi going to jurisdiction of court—Whether parties can consent to court hearing party with no locus standi. **R v Secretary of State for Social Services, ex p Child Poverty Action Group** [1989] **1** 1047, CA.

Representative proceedings—

'Same interest' in proceedings—Action against multiple insurers—Insurers from England and elsewhere dealing on Belgian insurance market—Substantial number of insurers contracting to provide liability insurance for charterers of vessel—Each insurer contracting on terms which included leading underwriter clause—Leading underwriter clause stipulating that each insurer liable for respective share for all decisions against leading underwriter—Writ issued in England by cargo owners against largest single insurer and leading underwriter as representing all insurers—Writ claiming damages against insurers severally—Prior action against all insurers commenced in Belgium—Whether English action properly constituted as representative action—Whether all insurers having 'same interest' in English action—Whether England appropriate forum for deciding claim—RSC Ord 15, r 12(1). **Irish Shipping Ltd v Commercial Union Assurance Co plc, The Irish Rowan** [1989] **3** 853, CA.

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Jurisdiction to order interim payment—Conditional leave to defend—Whether court having power to order interim payment where defendant given conditional leave to defend—RSC Ord 29, r 11. **British and Commonwealth Holdings plc v Quadrex Holdings Inc** [1989] **3** 492, CA.

Mareva injunction—

Application by party having no beneficial interest in assets and no private cause of action against defendant—Application by Securities and Investments Board—Board suspecting that Swiss company carrying on investment business in United Kingdom without authority—Board applying for Mareva injunction to freeze company's London bank account—Whether board entitled to Mareva injunction—Financial Services Act 1986, ss 3, 6. **Securities and Investments Board v Pantell SA** [1989] **2** 673, ChD.

Assets—Supplementary benefit arrears—Benefit arrears owed to defendant whose assets frozen by injunction—Crown having notice of injunction—Probability that defendant would dispose of payment of arrears in breach of injunction—Crown applying to court for directions as to payment—Whether payment should be made directly to defendant or into bank account frozen by injunction—Crown Proceedings Act 1947, s 25(4)—Supplementary Benefits Act 1976, s 16(1). **Bank Mellat v Kazmi (Secretary of State for Social Services intervening)** [1989] **1** 925, CA.

Discovery or interrogatory in aid of injunction—Privilege against self-incrimination—Foreign organisation obtaining order directing defendant accused of defrauding organisation to disclose details of assets wherever held—Defendant applying to set aside disclosure order on ground of risk of incriminating self and others under foreign law—Whether discretionary privilege against self-incrimination extending to criminal offences and penalties under foreign law—Whether court having power to take into account possibility that defendant might incriminate himself and/or others in exercising discretion to make or continue disclosure order—Whether court having jurisdiction to limit disclosure to plaintiff's solicitors—Civil Evidence Act 1968, s 14(1). **Arab Monetary Fund v Hashim** [1989] **3** 466, ChD.

Ex parte application—Duty of applicant to disclose material facts—Non-disclosure of material facts—Consequences of non-disclosure—Grant of fresh injunction—Plaintiff failing to disclose existence of proceedings in another jurisdiction when applying for injunction—Judge discharging injunction and immediately regranting fresh injunction in substantially same terms—Test to be applied in discharging and regranting Mareva injunctions—Whether injunction should have been regranted. **Behbehani v Salem** [1989] **2** 143, CA.

Ex parte application—Duty of applicant to disclose material facts—Non-disclosure of material facts—Consequences of non-disclosure—Plaintiff company obtaining ex parte injunction against defendant alleging three instances of fraud—Plaintiff company and defendant engaging in complicated financial transactions over period of years—Plaintiff company not disclosing full extent of financial dealings between parties when applying for injunction—Plaintiff company applying inter partes for continuation of injunction until after trial—Whether injunction should be continued—Whether complaint of non-disclosure and issue of appropriate relief should be considered as soon as defendant able to show material non-disclosure. **Ali & Fahd Shobokshi Group Ltd v Moneim** [1989] **2** 404, ChD.

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Worldwide Mareva injunction—Pre-trial injunction—Extra-territorial effect of injunction—Protection of third parties—Foreign defendant having foreign assets—Proceedings brought by Republic of Haiti in French court to recover money embezzled by former president—Defendant likely to attempt to frustrate execution of judgment against him—Whether court having jurisdiction to grant Mareva injunction over defendant's foreign assets before judgment—Whether worldwide injunction should be qualified by express proviso protecting third parties—Civil Jurisdiction and Judgments Act 1982, s 25, Sch 1, art 24—RSC Ord 11, r 1(2). **Republic of Haiti v Duvalier** [1989] **1** 456, CA.

Worldwide Mareva injunction—Pre-trial injunction—Extra-territorial effect of injunction—Protection of third parties—Foreign defendant having foreign assets—Proceedings brought by United States banking group against former directors of subsidiary alleging breach of contract, conspiracy and fraudulent breach of fiduciary duty over loans made to Far Eastern commodity dealer which collapsed owing over £35m to banking group—Defendants likely to attempt to frustrate execution of judgment against them—Whether court having jurisdiction to grant Mareva injunction over defendants' foreign assets before judgment—Whether worldwide injunction should be subject to undertakings by plaintiffs not to enforce order overseas or use in foreign proceedings information about overseas assets disclosed by defendants without leave of English court. **Derby & Co Ltd v Weldon (No 1)** [1989] **1** 469, CA.

Worldwide Mareva injunction—Pre-trial injunction—Extra-territorial effect of injunction—Protection of third parties—Injunction restraining foreign defendants from disposing of assets outside jurisdiction—Defendants having no assets within jurisdiction and likely to dissipate their assets to frustrate judgment or order against them—Whether pre-trial Mareva injunction should be granted against foreign defendant with no assets within jurisdiction—Whether receiver of foreign assets should be appointed—Whether defendants should be ordered to reveal the nature, value and whereabouts of foreign assets—Whether order should be made subject to proviso that third parties indirectly affected by it not bound by it until it is recognised or registered or enforced by foreign court. **Derby & Co Ltd v Weldon (No 2)** [1989] **1** 1002, CA.

Service out of the jurisdiction. *See* Service out of the jurisdiction—Pre-trial or post-judgment relief, *post*.

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Interim payment—

Jurisdiction to order interim payment—Standard of proof—Application for interim payment made against more than one defendant—Court satisfied that plaintiffs would succeed in obtaining judgment against either one of two defendants—Defendants granted unconditional leave to defend—Whether court having power to order interim payment to be made to plaintiffs—Whether plaintiffs proving likelihood of success to necessary standard against particular defendant—Whether sufficient for plaintiffs to show that they were bound to succeed against one or other of defendants—Whether existence of unconditional leave to defend preventing court from making interim payment order—RSC Ord 29, r 11(1)(*c*). **Ricci Burns Ltd v Toole** [1989] **3** 478, CA.

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Time limit for bringing action—Misdelivery of cargo—Cargo interests bringing action against carrier claiming damages for misdelivery of part of cargo—Cargo interests alleging theft by carrier—Action brought outside one-year limitation period prescribed by Hague Visby Rules for claims in respect of carriage of goods—Whether claim for misdelivery subject to one-year limitation period—Carriage of Goods by Sea Act 1971, Sch, art II, art III, para 6. **Cia Portorafti Commerciale SA v Ultramar Panama Inc, The Captain Gregos** [1989] **2** 54, QBD.

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Set off—Shipowner's failure to complete contract—Failure to complete voyage—Damages for shipowner's repudiation—Voyage charterparty providing for payment of lump sum freight within five days of signing bills of lading—Freight assigned to bank—Vessel arrested and impounded during voyage because of owner's insolvency—Bank claiming payment of freight—Whether owner's right to freight accruing before termination of charterparty—Whether charterers entitled to set off claim for damages for owner's wrongful repudiation against claim for freight—Whether charterers entitled to maintain set-off against bank claiming as assignees—Law of Property Act 1925, s 136(1). **Bank of Boston Connecticut v European Grain and Shipping Ltd, The Dominique** [1989] **1** 545, HL.

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Land covered by water. *See* **Water and watercourses** (Navigation—Public right of navigation—Land covered by water).

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Cheque—Donation by way of cheque to political party—Receiver of party's assets appointed—Party officials diverting donation cheques with donors' approval before cheques paid into party's bank account—Whether officials guilty of fraudulent disposal of property to prevent distribution to party's creditor—Penal Code (Singapore), s 421. **Jeyaretnam v Law Society of Singapore** [1989] **2** 193, PC.

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Right of person in custody—
Access by solicitor's clerk—A Solicitor employing unqualified clerks to visit clients held in police custody—Chief constable issuing instructions that presence of such clerks at police interviews with suspects undesirable—Instructions leaving decision on access by clerks in particular cases to individual custody officers—Whether chief constable's instructions contrary to code of practice for detention of suspects—Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers, para 6.9. **R v Chief Constable of the Avon and Somerset Constabulary, ex p Robinson** [1989] **2** 15, QBD.
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Payment into court—Defendant prevented from making payment into court because of delay by plaintiffs solicitors in providing particulars of damages claimed—Whether plaintiffs solicitors personally liable for costs for preventing defendant from making effective payment in—Whether late payment into court by defendant effective—RSC Ord 62, r 11, Ord 22, r 3. **King v Weston-Howell** [1989] **2** 375, CA.
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Adduction of false evidence or submission of false case to sustain claim or defeat other party's claim—Whether giving rise to tort of abuse of process of court. **Metall und Rohstoff AG v Donaldson Lufkin & Jenrette Inc** [1989] **3** 14, CA.

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Purpose—Predominant purpose—Scope of tort—Predominant purpose of conspirators' agreement not to injure plaintiff but to benefit conspirators' own interests—Whether tort extending to acts done in execution of agreement where predominant purpose was not to injure plaintiff but to benefit conspirators' interests. **Metall und Rohstoff AG v Donaldson Lufkin & Jenrette Inc** [1989] **3** 14, CA.

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Take-over bid—

False statements made to third party to prevent rival's take-over bid succeeding—No predominant purpose to injure rival—No complete tort vis-à-vis third party—Whether false statements giving rise to cause of action. **Lonrho plc v Fayed** [1989] **2** 65, CA.

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Inducement of breach of statutory duty—Unlawful interference with employers' business—Statutory scheme regulating registered dock workers—Scheme providing that dock workers 'shall . . . work for such periods as are reasonable'—Proposed abolition of scheme by legislation—Union balloting registered dock workers for authority to take industrial action—Dock workers in favour of strike—Whether threatened strike unlawful—Dock Workers (Regulation of Employment) (Amendment) Order 1967, Sch 2, cl 8(5)(*b*). **Associated British Ports v Transport and General Workers' Union** [1989] **3** 822, HL.
Picketing—
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Refusal by university to award degree—Academic staff appointing examiners to assess thesis—Applicant claiming examiners not qualified to assess thesis—Applicant petitioning visitor—Visitor refusing to intervene—Visitor concluding that prescribed procedures for appointing examiners had been followed and that choice of examiners involving exercise of expert academic judgment with which visitor should not interfere—Whether visitor's decision wrong in law—Whether court's jurisdiction over visitor supervisory or appellate—Whether court can interfere with visitor's exercise of discretion or judgment or confined to correcting errors of law. **R v University of London Visitor, ex p Vijayatunga** [1989] **2** 843, CA.

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Provision of education otherwise than for profit—Charitable company providing educational courses—Company charging such fees as would achieve surplus income in order to maintain and improve facilities offered—Company required to apply income and property solely to its objects and prohibited from paying profits to its members—Whether company providing education 'otherwise than for profit'—Value Added Tax Act 1983, Sch 6, Group 6, item 2(*a*)—Council Directive (EEC) 77/388, art 13(A)(1)(i)(2)(*a*). **Customs and Excise Comrs v Bell Concord Educational Trust Ltd** [1989] **2** 217, CA.

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Deduction of overpayment from subsequent payment of tax—Overpayment occurring because of taxpayer's compliance with directions issued by commissioners subsequently ruled to be invalid—Taxpayer deducting overpayment from subsequent payment of tax—Whether taxpayer entitled to deduct overpayment—Value Added Tax Act 1983, s 14—Value Added Tax (General) Regulations 1985, reg 58(1), Sch, Form 4. **Customs and Excise Comrs v Fine Art Developments plc** [1989] **1** 502, HL.

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Supply—

Credit card scheme—Taxpayers operating credit card schemes—Contractual agreements between taxpayers and cardholders and between taxpayers and retailers—Cardholders agreeing to pay taxpayers cost of goods and services received from retailers on presenting credit card—Taxpayers agreeing to purchase from retailers cost of providing cardholders with goods and services less discount or commission—Whether taxpayers supplying retailers with financial service for a consideration—Value Added Tax Act 1983, s 3(2)(*b*), Sch 6, Group 5, item 1. **Customs and Excise Comrs v Diners Club Ltd** [1989] **2** 385, CA.

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VARIATION OF TRUSTS

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Undertaking with regard to stamp duty no longer required—Stamp duty position of duplicate orders—Variation of Trusts Act 1958—Stamp Duty (Exempt Instruments) Regulations 1987, Sch, category L. **Practice Direction** [1989] **3** 96, ChD.

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Parental consent—Consent of wardship court required. **Re A (a minor) (wardship: criminal proceedings)**.
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Jurisdiction of court to make guardianship order in respect of ward of court. *See* **Adoption** (Ward of court—Guardianship order—Removal of child outside Great Britain).
Jurisdiction—
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Child brought to United Kingdom and placed with foster parents—Child overstaying leave to enter—Child liable to removal under immigration legislation—Foster parents applying to make child ward of court—Whether wardship jurisdiction exercisable if it would fetter immigration authorities' discretion—Whether court having jurisdiction to make child ward of court. **Re F (a minor)** [1989] **1** 1155, CA.
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Protection of ward—
Freedom of publication—Publication of matter likely to be harmful to ward—Injunction—Jurisdiction of court to restrain publication—Ward terminally ill baby—Court giving directions as to treatment of ward—Newspaper wishing to identify and interview those involved in care and treatment of ward and to publish details of her care and treatment and family background—Whether injunction should be granted prohibiting identification of ward, her parents, hospital where she was being treated or persons having or who had had care of ward or prohibiting soliciting or publication of information about ward or parents. **Re C (a minor) (wardship: medical treatment) No 2** [1989] **2** 791, CA.
Medical treatment—
Jurisdiction of court. *See* Jurisdiction—Medical treatment, *ante*.
Missing ward—
Address of ward or of person with whom ward believed to be—
Disclosure of address by government departments—Disclosure at request of registrar—Particulars to be certified in request—Information to be supplied to registrar by applicant or solicitors prior to request—Child Abduction and Custody Act 1985—Family Law Act 1986, Pt I. **Practice Direction** [1989] **1** 765, FamD.
Practice—
Application in wardship proceedings—
Ex parte application—Applications for routine leave or directions where court has authorised placement of ward with view to adoption—Notice to other parties not normally necessary—Consultation with Official Solicitor when acting as guardian ad litem. **Practice Direction** [1989] **1** 169, FamD.
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Temporary visits abroad—Holidays and educational journeys—Ward of court in local authority care and control—Conditions on which ward may proceed out of England and Wales without specific authority of court. **Practice Direction** [1989] **3** 89, FamD.

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Land covered by water—River—Right of navigation over river—Whether right of navigation a right of way over 'land covered with water'—Highways Act 1980, s 31(1)(11). **A-G (ex rel Yorkshire Derwent Trust Ltd) v Brotherton** [1989] **2** 423, ChD.

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Service on company—
Service at company's registered office—
Failure to serve writ on company at its registered office—Whether failure nullifying proceedings—Whether failure a mere irregularity capable of remedy—Companies Act 1985, s 725(1)—RSC Ord 2, r 1. **Singh v Atombrook Ltd** [1989] **1** 385, CA.
Service out of the jurisdiction—
Generally. *See* **Practice** (Service out of the jurisdiction).

YOUNG PERSON
Court proceedings in respect of. *See* **Children and young persons.**